

Damage Liability

Notification
Recovery



Making a Better Move

ONE OF the rituals of Army life is the infamous Permanent Change of Station, in which soldiers receive orders to move to new assignments, and their families begin sorting through accumulated possessions and preparing household goods for shipment to their new “homes.”

Unfortunately, these moves also expose families to the possibility of property loss or damage. But while you can't insure against the emotional loss of a broken heirloom or missing photo album, there are steps you can take to reduce your financial losses.

Although the armed services provide coverage for losses incident to transfers, this protection may not fully cover all the losses sustained. If a service member fails to do his or her part in the moving process, claims could be partially or completely denied.

Government Liability and Soldiers' Responsibilities

If a soldier doesn't properly complete shipping documents, fails to note damages at the time of delivery or doesn't file a claim within set time limits, this usually permits the carrier to deny liability to the government. In turn, if the government can't collect from the carrier because of these failures, the

government may reduce the amount paid against the soldier's claim.

Members shipping property must oversee every step in the documentation and filing process to do their part in ensuring against loss. All steps, from the initial packing inventories to the delivery and notation of damages upon receipt, must be complete and accurate.

Typical Disasters

Most of the “horror stories” associated with property shipments recur year after year.

One example is the soldier who packs valuable items such as cameras, jewelry or coin collections, then labels the box or allows the shipper to inventory the box as “clothing.” The obvious problem is that the claims office cannot prove that the carrier ever accepted such items, so the carrier is not responsible for the loss if the items are misplaced, damaged or stolen.

Failure to properly prepare property for movement is another common problem. This often occurs when families pack stereos and computer systems themselves, without referring to their owners' manuals, or fail to supervise the packers as they prepare the shipments. Then, when damage occurs because videotapes or toner cartridges were left in equipment or moving parts were left unprotected, the contractor may deny responsibility for the loss.

Steven Chucala is chief of client services in the Office of the Staff Judge Advocate at Fort Belvoir, Va.

Steps to Follow

Soldiers are required to take the following steps when they discover loss or damage to household shipments:

1 Notify the carrier of any damages or missing items within 70 days of the date of delivery. The notification is completed by turning in the Form 1840/1840R to a military claims office. The 1840 is the pink form provided to the member by the driver at the time of delivery. Damages or losses identified at the time of delivery are noted on the 1840-side of the form, and damages found after delivery are noted on the 1840R side.

2 After filing the 1840/1840R, soldiers must file the loss or damage claim within two years of the delivery date. Any person holding a proper power of attorney may file this claim if the soldier is unavailable because of deployment or other circumstance.

3 Do not dispose of any damaged items until advised to do so by the claims office. This is because the carrier may ask to inspect the item before a claim is paid, and the government or carrier has the right to take possession of the item, for its salvage value, after payment is made.

Other Considerations

Damages to a building or grounds caused by a carrier during the shipping process are not covered by federal statute or claims regulations. Typical damages include dented walls or doors, scratched floors, broken windows, or damage to lawns or landscaping.

However, soldiers can seek recovery directly from the carrier. Soldiers who are unsatisfied with the actions of the contractor during the packing or shipping process should also file a complaint with the transportation office handling the shipment. Claims offices do not have authority to seek damages based on these complaints, but they can use the information to determine whether to continue doing business with that contractor. □

Some Frequently Asked Questions

Q. Will I get paid for auto rentals or motel costs if my delivery is not made on the date promised?

A. No.

Q. Will I get paid for my labor if I repair the damaged items myself?

A. No.

Q. Should I purchase private insurance for my household goods and high-value property?

A. Generally, yes, since the government does not cover all losses, whether it be in government quarters or during shipment. The basic issue is whether a soldier can bear the financial loss if not insured.

Q. Must I file a claim against my private insurance company before the government will adjudicate or pay my claim?

A. Yes.

Q. Will I be reimbursed for the premium I paid for my private insurance coverage?

A. No.

Q. If I sustain a major loss or all of my property is destroyed or lost, can I receive an emergency payment?

A. Yes. Up to \$2,000 may be paid immediately.

Q. How can I best prove the existence of my property?

A. By maintaining an inventory, making a videotape record and ensuring that each item is listed in the shipping document.

In Summary

Although soldiers may wait up to two years from the date of delivery to file a claim (70 days to file the 1840/1840R notice of damages), filing as soon as possible will result in faster service and will more quickly restore the soldier's normal quality of life.